

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TAHA MUSHTAQ,

Plaintiff,

v.

JAY MALONEY AND
STRASBURGER TRUCKING INC.,

Defendants.

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CIVIL ACTION NO. 3:22-cv-2069

DEFENDANTS' NOTICE OF REMOVAL

Defendants Jay Maloney (“Maloney”) and Strasburger Trucking Inc. (“Strasburger”) (herein Maloney and Strasburger are “Defendants”) by and through their undersigned counsel, Rick V. Anderson and Brittany Lok of Roberts Markel Weinberg Butler Hailey PC, hereby and pursuant to 28 U.S.C. §§ 1441 and 1446, respectfully petition the Court for removal of the within action from the 116th District Court, County of Dallas, State of Texas, No. DC-22-07137, to the United States District Court for the Northern District of Texas. As grounds for removal of this matter, Defendants state as follows:

I. BASIS FOR REMOVAL

1. This matter is removable under 28 U.S.C. § 1441 because this Court has diversity jurisdiction pursuant to U.S.C. § 1332(a)(1).
2. On or about February 09, 2022, Plaintiff Taha Mushtaq (herein “Plaintiff”)

filed a Complaint against Defendants in the 116th District Court of Dallas County, Texas, No. DC-22-07137 (the “Complaint”), a copy of which is attached as **Exhibit A**. The Complaint alleges negligence against the Defendants.

3. Without admitting any of the facts therein, the Complaint generally alleges that Maloney, while acting in the course and scope of his employment with Strasburger, negligently collided into Plaintiff’s vehicle on November 3, 2020, thereby causing Plaintiff injuries. The Complaint alleges that Plaintiff’s injuries were caused directly and proximately by the Defendants’ negligence. *See generally* **Exhibit A**.

Complete Diversity:

4. As alleged in the Complaint, Plaintiff is an individual who resides at 2541 Buttermilk Way, Carrollton, Denton, County, Texas 75010. *See* **Exhibit A** ¶ 2. As such, Plaintiff is a citizen of Texas.

5. As alleged in the Complaint, Defendant Maloney is an individual who resides at 109 Jackson Street, Catlin, Vermilion County, Illinois 61817. As such, Maloney is a citizen of Illinois.

6. As alleged in the complaint, Defendant Strasburger is a foreign corporation with its principal place of business in Illinois. **Exhibit A** at ¶ 4. Specifically, Strasburger’s principal place of business is located at 103 East Railroad Street, Earl Park, Indiana 47942. *See* **Exhibit A** at ¶ 4. Strasburger is therefore a citizen of Indiana. *See* 28 U.S.C. § 1332(c)(1) (“a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business.”).

7. Based on the above, Plaintiff is a citizen of Texas, Maloney is a citizen of Illinois, and Strasburger is a citizen of Indiana. Thus, there is complete diversity between Plaintiff and Defendants.

8. Because Defendants are not citizens of Texas, they are entitled to remove this action to this Court. *See* 28 U.S.C. § 1441(b)(2).

The Amount in Controversy is Over \$75,000.00:

9. The amount in controversy in this action exceeds, exclusive of interest and costs, the sum of \$75,000.00. Plaintiff seeks monetary relief in the Complaint “over \$250,000 but not more than \$1,000,000.” *See Exhibit A* at Section VIII(d). Should Plaintiff prevail on the claims against Defendant stated in the Plaintiff’s Original Petition, attached to this notice, Plaintiff would be entitled to damages in excess of \$75,000.

II. NOTICE

10. Defendants will promptly file a copy of this Notice of Removal with the state court where the action has been pending and will promptly give notice of the filing and serve this Notice of Removal to all parties pursuant to 28 U.S.C. § 1446(d).

III. CONCLUSION & PRAYER

11. All pleadings, process, orders and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a), as Exhibits A, B, and C.

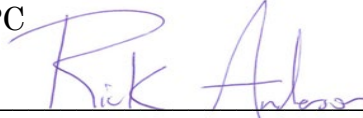
12. Venue is proper in this district under 28 U.S.C §1441(a) because this district and division embrace the place where the removed action is pending.

WHEREFORE, Defendants Jay Maloney and Strasburger Trucking Inc.

respectfully request that the above-entitled action, now pending against it in the 116th District Court of Dallas County, Texas, be removed therefrom to this Court.

Respectfully submitted,

ROBERTS MARKEL WEINBERG BUTLER HAILEY
PC



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ATTORNEYS FOR DEFENDANTS

JAY MALONEY AND STRASBURGER

TRUCKING INC.

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Tex. R. Civ. P. 21a, a true and correct copy of the foregoing instrument was served upon the parties listed below by fax, delivery service, messenger, mail, and/or through the serving party's electronic filing service provider, this day of September 16, 2022.

Via E-Service

James Bauguss III

State Bar No. 24045463

Ben Abbot & Associates, PLLC

1934 Pendleton Drive

Garland, TX, 75041

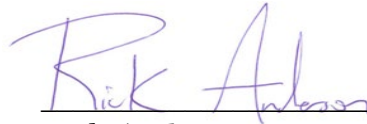
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ATTORNEY FOR PLAINTIFF

A handwritten signature in blue ink, appearing to read "Rick Anderson", is positioned above a horizontal line.

Rick Anderson